

D3
53. (Amended) The process according to claim 52, characterized in that passenger proteins or parts thereof are released by an intrinsic protease of the host cell, in particular OmpT protease, OmpK protease or protease X.

C2
54. (Amended) The process according to claim 53, characterized in that passenger proteins or parts thereof are released by an externally added protease, in particular IgA protease, thrombin or factor X.

REMARKS

In the communication, the Examiner states that the claims filed in the Reply of October 19, 2000 do not correspond with the previous claims and claim grouping as set forth in the March 20, 2000 restriction requirement. The Examiner notes by way of the example, the following errors:

- new claim 44 corresponds to the invention of Group II;
- new claims 45-54 should correspond to old claims 26-35 under Group II, but the claims are now split between Groups I and II (Claims 46-54 under Group I; Claim 45 under Group II).

For purposes of clarification and to facilitate the Examiner's understanding of the inadvertent errors introduced into the claim numbering during prosecution of this application, Applicants are providing the Examiner with a general overview of the file history for the claims as follows:

- the original set of claims (Claims 1-40) filed in the PCT application were entered into U.S. national stage. Original claims 20-40 were replaced with amended claims 20-38

during the international stage of prosecution but do not appear to have been “officially” or “completely” entered into the U.S. national stage (see the Official Action of October 4, 2000).

- Applicants filed a preliminary amendment on September 15, 1998, changing the dependency of Claims 22, 23, 25, 38 and 40. The amendment was directed to amending the original claims (claims 1-40), and **not** amended claims 20-38. The preliminary amendment did not direct the cancellation of original claims 20-40.

- the Examiner based the restriction requirement on original claims 1-40 in the Office Action of March 20, 2000.

- in Applicants’ response to the restriction requirement of May 15, 2000, the amended claims 20-38 had not been entered, and Applicants requested the Examiner to do so.

- the Examiner issued an official communication, stating that a discrepancy in the page numbers on the sheets containing amended claims 20-38 and the sheets containing original claims 20-40 prevented her from entering the amended claim set.

- in Applicants second response, request was made for the cancellation of original claims 20-40 and substitution with new claims 41-59, along with instructions to the Examiner as to which claims 41-59 corresponded to in the original claim set.

Applicants submit that in the revised claim set (41-59), Applicants inadvertently omitted to incorporate the amended claim numbering introduced by the preliminary amendment of September 15, 1998.

Claim 44. Claim 44 recites the subject matter of **original** claim 25, however, as the Examiner correctly notes, the dependency of claim 44 is incorrect. The claim now depends

from process claim 41 (**original** claim 20; group II), whereas in Applicants' preliminary amendment, original claim 25 was amended to depend from claim 1 (Group I). Amending claim 44 to depend from claim 1 should bring the claim into elected Group I.

Claims 45-54. Pending Claims 45-54 correspond to original claims 26-35.

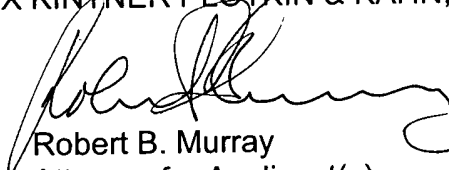
Original claims 26-35 fall within Group II based on their dependency on **original** claim 20. In the present set of claims, Claim 45 now depends from a Group II claim (claim 41 or **original** claim 20) and Claims 46-54 depend from a Group I claim (claim 1). To correct this error in the claim dependency of Claims 46-54, Applicants have amended Claims 46-54 to depend from claim 41. Amending claims 46-54 to depend from claim 41 should bring the claim into non-elected Group II

CONCLUSION

Applicants have provided the Examiner with a detailed explanation for the error introduced into the claim numbering during this prosecution, and have amended the claims to correct this inadvertent error. Applicants submit that the claims are fully supported by the original claims in this application, and that no issue of new matter should arise. The amending of the claims should bring this application into more proper form for examination on the merits.

In case this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. In the event that any fees are due in connection with this paper, please charge our Deposit Account No. 01-2300.

Respectfully submitted,
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44. (Amended) [Process] The process according to claim [41] 1, where the bacterium which presents a surface-exposed passenger having a required binding affinity is identified by binding to an immobilized or/and labeled binding partner.

46. (Amended) [Process] The process according to claim [1] 41, characterized in that passenger proteins or parts thereof are chemically or enzymatically modified on the bacterial surface.

47. (Amended) [Process] The process according to claim 46, characterized in that the modification is a non-covalent modification.

48. (Amended) [Process] The process according to claim 46, characterized in that the modification is a covalent modification.

49. (Amended) [Process] The process according to claim 48, characterized in that the modification is a glycosylation.

50. (Amended) [Process] The process according to claim 48, characterized in that the modification is a phosphorylation.

51. (Amended) [Process] The process according to claim 46, characterized in that the modification is a proteolysis.

52. (Amended) [Process] The process according to claim 51, characterized in that passenger proteins or parts thereof are selectively released from the bacterial surface by intrinsic or externally added proteases.

53. (Amended) [Process] The process according to claim 52, characterized in that passenger proteins or parts thereof are released by an intrinsic protease of the host cell, in particular OmpT protease, OmpK protease or protease X.

54. (Amended) [Process] The process according to claim 53, characterized in that passenger proteins or parts thereof are released by an externally added protease, in particular IgA protease, thrombin or factor X.